



05-30-03

3735

TRANSMITTAL LETTER			Case No. 6298/308
Serial No. 09/409,792	Filing Date September 30, 1999	Examiner A. Lewis	Group Art Unit 3735
Inventor(s) Martin P. Foley et al.			
Title of Invention Exhalation Valve For Face Mask With Spacer Chamber Connection			

## TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Second Preliminary Amendment And Response to Examiner Communication.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a \_\_\_\_\_ month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

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TECHNOLOGY CENTER R3700

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra
Total	22	Minus	28	0
Indep.	3	Minus	9	0
First Presentation of Multiple Dep. Claim				

## Small Entity

Rate	Add'l Fee
x \$9=	
x 42=	
+\$140=	
Total add'l fee	\$

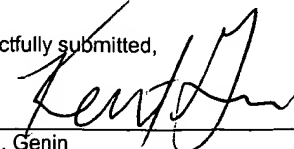
or

Other Than  
Small Entity

Rate	Add'l Fee
x \$18=	
x \$84=	
+\$280=	
Total add'l fee	\$0

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

  
Kent E. Genin  
Registration No. 37,834  
Attorney for Applicant  
Customer No. 00757 - Brinks Hofer Gilson Lione

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"Express Mail" mailing label number EV 327 129 358 US

Date of Deposit: May 29, 2003

Our Case No. 6298/308

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of:

Martin P. Foley et al.

Serial No.: 09/409,792

Filing Date: September 30, 1999

FOR: EXHALATION VALVE FOR  
FACE MASK WITH SPACER  
CHAMBER CONNECTION

Examiner: A. Lewis

Group Art Unit No.: 3735

TECHNOLOGY CENTER R3

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## SECOND PRELIMINARY AMENDMENT AND RESPONSE TO EXAMINER COMMUNICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Prior to examination, and in response to the Communication mailed April 29, 2003, please amend the application as follows.

## IN THE SPECIFICATION

On page 1, please amend the paragraph beginning on line 1 to read as follows:

This is a continuation of U.S. Serial No. 08/842,956, filed April 25, 1997, now U.S. Patent No. 5,988,160, which is a continuation of U.S. Serial No. 08/270,752, filed on July 5, 1994, now U.S. Patent No. 5,645,049, which is a continuation-in-part of U.S. Serial No. 07/973,280, filed November 9, 1992, abandoned, wherein U.S. Serial No. 08/842,956 and U.S. Serial No. 08/270,752 are hereby incorporated herein by reference.